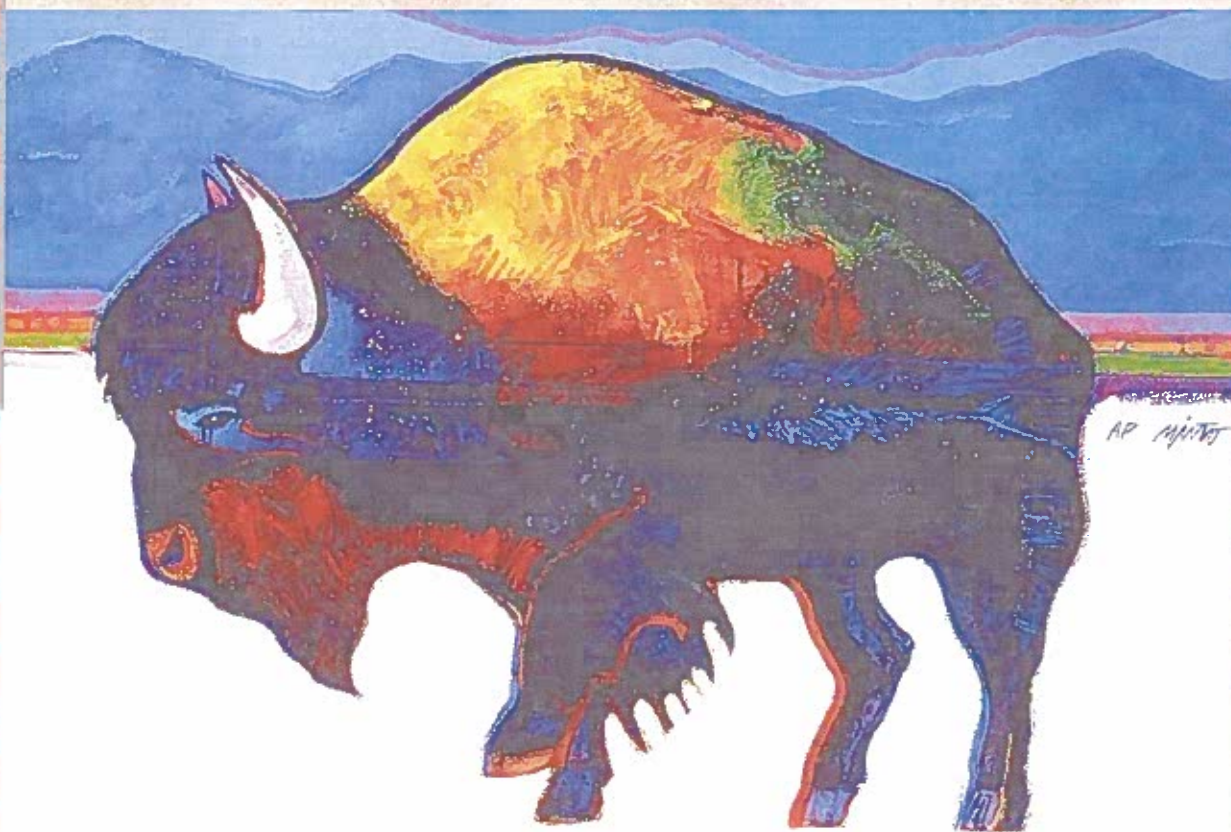


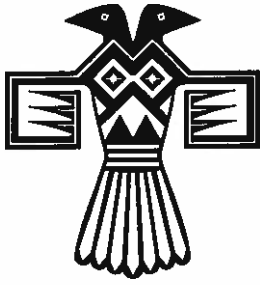
REGIONAL MEETINGS 2009



STRENGTHENING RELATIONSHIPS AND FOSTERING COMMUNICATIONS

**THE NEW MEXICO TRIBAL-STATE
JUDICIAL CONSORTIUM**





**The New Mexico Tribal-State
Judicial Consortium**

2009 REGIONAL MEETINGS

Report to American University

OCTOBER 5, 2009

Acknowledgement

The New Mexico Tribal-State Judicial Consortium would like to take this opportunity to thank the Bureau of Justice Assistance (BJA) and the staff of the BJA Criminal Courts Technical Assistance Project in the School of Public Affairs at American University, and in particular, Research Professor and Associate Director Caroline Cooper, for their continuing support and appreciation of the Consortium's Regional Meetings. The Consortium is extremely grateful for the funding provided through BJA to conduct these meetings again in 2009. We also want to thank the meeting hosts, speakers, and the participants themselves who helped to make the 2009 Regional Meetings a success.

The Consortium also thanks New Mexico artist John Nieto for his permission to use the work, "Buffalo in the Snow" as the logo for the 2009 Regional Meetings.

TABLE OF CONTENTS

	Page No.
Introduction and the Regional Meeting Concept	4
How Are the Regional Meetings conducted?	8
What Are the Costs?	11
What do the Pre-Meeting Surveys Show?	12
What Are the Common Themes in the Meetings?	16
Zia Regional Meeting – July 17, 2009	22
Tesuque Regional Meeting – July 31, 2009	25
Gallup Regional Meeting – August 21, 2009	27
Accomplishments and Next Steps	31
Appendix A – Regional Meeting Participant List, Registration Form	33
Appendix B – Analysis of Pre-Meeting Surveys, Survey Instrument	39
Appendix C – Meeting Agendas	46
Appendix D – Summary of Evaluations, Evaluation Instrument	50
Appendix E – Meeting Packet Materials and Handouts of Speakers	57

Introduction and the Regional Meeting Concept

The New Mexico Tribal-State Judicial Consortium serves as an active advisory committee of the Supreme Court of New Mexico Court having received formal recognition by the Court in 2006. Its twin purposes of strengthening relationships and fostering communications between Tribal and State Courts are being achieved through the diligent efforts of Consortium members and friends, and the support of Justice Patricio M. Serna, Supreme Court Liaison, and Chief Justice Edward L. Chavez. The Consortium is taking steps to invite additional judges and persons involved with the larger criminal justice system to its meetings, conferences, and other events in order to promote greater understanding of the very different judicial systems among the State and Tribal Courts and the complicated Federal/State/Tribal jurisdictional issues.

The Consortium consists of fourteen members, as shown in the column at right:

- Seven State Judges representing the various levels of State Courts, and
- Seven Tribal Judges, four of whom represent the nineteen Pueblos located in New Mexico, and three representing the three Tribes whose reservations fall within the State's boundaries.

New Mexico Tribal-State Judicial Consortium

State Co-Chair

- Kaydee M. Culbertson
Family Court Hearing Officer
2nd Judicial District Court

Tribal Co-Chair

- Roman J. Duran, Associate Judge
Jicarilla Apache Nation Tribal Court

Members

- Sharon Begay McCabe, Chief Judge, Pueblo of Zuni Tribal Court
- Angela Jewell, Judge
2nd Judicial District Court
- William Johnson, Chief Justice
Pueblo of Isleta Appellate Court
- Violet Otero, Judge
13th Judicial District Court
- Karen Parsons, Judge
12th Judicial District Court
- John J. Romero, Judge
2nd Judicial District Court
- Henrietta S. Soland, Judge
McKinley County Magistrate Court
- Irene Toledo, Judge, Navajo
Judicial Branch—Crownpoint District
- H. Paul Tsosie, Chief Judge, Pueblo
of Santa Clara Tribal Court
- James Wechsler, Judge
State Court of Appeals
- Vacant, Mescalero Apache Tribal
Court
- Vacant, Northern Pueblo Tribal
Court

Alternates

- Sandra Engel, Judge, Bernalillo
County Metropolitan Court
- Robert F. Medina, Judge, Pueblo of
Zia Tribal Court
- Allan Toledo, Judge, Pueblo of
Santa Ana Tribal Court

The nineteen Pueblos and three Tribes located in New Mexico are:

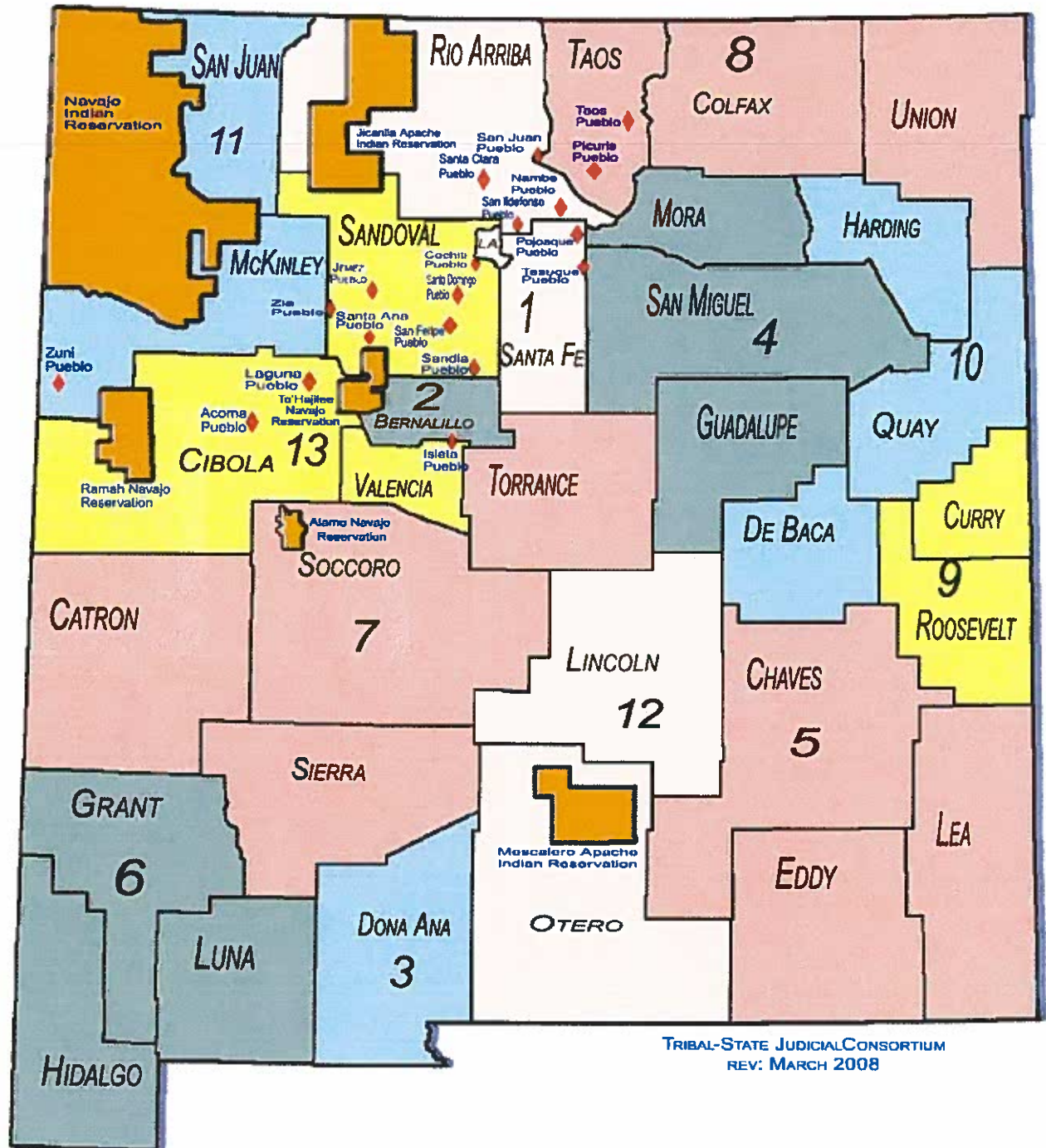
Pueblos	Tribes
Acoma, Cochiti, Isleta, Jemez, Laguna, Nambé, Ohkay Owingeh (formerly San Juan), Picuris, Pojoaque, Sandia, San Felipe, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni	Jicarilla Apache Nation, Mescalero Apache Tribe, and Navajo Nation

A map showing the location of the Tribal Nations overlaid on the State Judicial Districts can be found on the next page.

As an informal committee of the Supreme Court, the Consortium began in the year 2000 to conduct statewide events where Tribal and State Judges could gather and share information about each other's Courts, laws, customs, and traditions. Four two-day Cross-Court Cultural Exchanges were held across the State, allowing participants to visit the area Tribal Court(s) one day, and nearby State Court(s) the next day. These proceedings were well attended and received, providing an introduction for many participants into Tribal Court procedures and related activities.

It is important to note that when the Exchanges were initiated, the State's Bar Exam did not contain a section on Indian Law. Further, many Judges and attorneys did not have training in this area of the law, although the topic had been offered by the University of New Mexico School of Law since the late 1960s. This omission creates difficulties even today, because of the number of cases that cross jurisdictional boundaries, the rising number of Native Americans in the State, the greater mobility of Natives and non-Natives across jurisdictions, and the growth of Indian commerce particularly through the casinos. The Exchanges offered some exposure to Indian Law for non-Native Judges and attorneys, while inviting Tribal Courts to learn more about their State and local counterparts.

TRIBAL NATIONS AND STATE JUDICIAL DISTRICTS



TRIBAL-STATE JUDICIAL CONSORTIUM
REV: MARCH 2008

In 2007, the Consortium's leadership suggested having meetings on a more *regional* basis, inviting a cross-section of people engaged with the local criminal justice system to attend, such that Tribal and State Judges would meet individuals – lawyers, prosecutors, law enforcement, and advocates – who were likely to appear in their courtrooms some day, as well as their Court colleagues. The "Regional Meetings" were planned and conducted during 2008, co-sponsored by the Bureau of Justice Assistance (BJA) Criminal Courts Technical Assistance Project in the School of Public Affairs at American University using BJA grant funding. Planned for three locations in the State, these events attracted a total of 178 participants for the one-day events.

Compared to the lecture and tour format of the Cross-Court Cultural Exchanges, the 2008 Regional Meetings offered fewer speakers and topics, and instead featured small group discussions. The more intimate setting allowed local judges, court staff, and other interested parties to convene and discuss significant issues and challenges within the region, identify common concerns, and begin crafting solutions to fit their varying needs. People exchanged business cards and other information, establishing a channel of communications for the future. This approach was designed particularly to improve communications across jurisdictional boundaries within each region.

In the fall of 2008, the Consortium updated its strategic plan. Through that process, goals and objectives were refined, and upcoming activities were focused on increasing communications and collaboration between State and Tribal Courts, and educating State/Tribal Judges and Tribal leadership. The Consortium recognized that the 2008 Regional Meetings had served to advance these goals, and decided that if additional funding were available during Fiscal Year 2009, it wanted to continue this effort.

Early in 2009, staff of American University informed the Consortium that BJA funding would be allocated for this project, although the meetings would need to be smaller in scale than in 2008. The Consortium revised its budget and developed preliminary plans for a new series of Regional Meetings for the coming summer. Three sites were selected, meeting hosts recruited, and detailed planning for the meetings began.

How Are the Regional Meetings Conducted?

Locations: Three Regional Meetings were scheduled for the summer of 2009 in different parts of New Mexico, locations targeted to attract area Tribal and State Courts as follows:

- ⇒ **Pueblo of Zia Tribal Council Room**, July 17, 2009 – targeting the Southern Pueblos and Mescalero Apache Nation
- ⇒ **Pueblo of Tesuque Intergenerational Center**, July 31, 2009 – targeting the Northern Pueblos and Jicarilla Apache Nation
- ⇒ **Gallup Cultural Center**, Gallup, New Mexico, August 21, 2009 – targeting the Navajo Nation and Zuni Pueblo

Meeting Hosts: Consortium members and other Judges from Tribal or State District and Magistrate Courts volunteered to serve as co-hosts for each meeting. As hosts, the Judges helped to identify people to invite to the meetings, suggest local speakers for the panel presentations, locate equipment as needed, and add a personal touch to the event.

Participants: Mailing lists for the three Regional Meetings were developed from names of individuals and organizations submitted by the meeting hosts, Consortium members and friends. A broad cross-section of Tribal and State Judges, Court staff, law enforcement, and other individuals closely involved with the criminal justice system in each area were sent personalized letters from the meeting hosts inviting them to attend the event. About four hundred seventy (470) individuals were invited to participate or send a designee to one or more of the meetings. While it was hoped that individuals would attend the meeting nearest their own location, some chose to attend a different meeting. Each mailing included a registration form and pre-meeting survey, the latter used to identify significant issues in each area to address at the Regional Meeting or other forum in the future.

Responses to the invitations were generally strong, especially for the Gallup meeting. Operating on tight budgets, the Tribal Courts are eager for training opportunities for the Judges and their staff. At each event, participants who signed the registration list at the door fell into the following nine categories:

2009 REGIONAL MEETING PARTICIPANTS*

CATEGORY	NUMBER
Tribal Court Judges	21
State Court Judges/Judicial Officers	14
Tribal and State Court Staff	34
Tribal and State/Local Law Enforcement	23
Tribal Officials	5
Attorneys, including DAs, Prosecutors	14
Service Providers and Advocates	18
Federal and State Agency Staff	10
TOTAL	139

* Figures include only those individuals who registered at the meeting; some individuals attended more than one meeting

Please see Appendix A for a complete list of meeting participants.

Small Group Discussions: Scheduled from 9:00 a.m. to 3:30 p.m., time was set aside at each Regional Meeting for people to hear presentations by local experts before breaking into small groups for discussion. Participants were assigned to small groups based first on their professional affiliation, and later randomly assigned in order to mix the entire group. This arrangement offered a means to gather at the same table members of the same profession to consider common issues and their challenges, and then work with a mixed group to develop solutions to the challenges.

Tribal and State Judges were grouped together during the morning break-out sessions. Similarly, court staff, prosecutors, law enforcement officials, attorneys, and advocates were seated with others working in the same or similar field. A catered luncheon gave people a chance to relax, circulate, and meet others in a less formal setting, as well as hear a brief presentation on a topic relating to the day's activities.

Meeting their peers from other jurisdictions in the small groups, new relationships and lines of communications were generated. The topic of domestic violence also produced great interest among participants, and elicited a host of comments and suggestions. Lively conversations ensued and business cards were actively exchanged until people had no

more to share. At the end of each meeting, participants requested that the Consortium send a participant list so they could continue to make contact with people they met at the event.

Issue for Discussion: Since early 2007, the Consortium has been promoting an initiative creating a standard, recognizable first page on orders of protection in domestic violence cases. In October 2008, the New Mexico Supreme Court adopted a uniform first page for State District Courts to use on these orders. Subsequently, the Tribal Courts of the Pueblos of Laguna, Nambé, Santa Clara, and Zuni have adopted a first page nearly identical to the State's, and the Navajo Judicial Branch is now considering it.

The Consortium hopes that more Tribal Courts will adapt the State's form to their own laws and processes. The common first page allows orders of protection to be enforced more easily across jurisdictional lines. In a State like New Mexico, people often cross several different jurisdictions – i.e. local and Tribal boundaries – just going to dinner or buying a tank of gasoline. Thus, it is critical to raise awareness that violations of the law may be handled differently from one jurisdiction to another, that the current jurisdiction may have no authority over the perpetrator's conduct, and in fact, public safety may be compromised.

Use of the standard first page implements the full faith and credit provision in the 1994 Federal Violence Against Women Act (VAWA), calling for the recognition of "foreign" orders of protection among all State and Tribal Courts and law enforcement. The pertinent VAWA provision states:

Sec. 2265 (a) — Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the *issuing* State, Indian tribe or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the *enforcing* State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or territory as if it were the order of the enforcing State or Tribe. (18 U.S.C. 2265)(emphasis added)

When adopted, the first page offers greater protection for victims of domestic violence and their children when they leave the jurisdiction that issued the protection order, because law enforcement officials – whether State, local or Tribal – will know the order is valid and enforce it. Moreover, the officers themselves in police and sheriffs' departments will be safer when they respond to reports of domestic violence and easily recognize the new form.

Another strong advantage for the Tribes is the standard first page reinforces Tribal sovereignty. When Tribal Courts in other States began using the form, they found the court's orders being recognized outside their own jurisdiction. Similarly, the Pueblo Tribal Courts that have adopted the page are discovering their orders now being enforced outside their jurisdiction. The sovereign authority of the Tribe is thus enhanced. Rather than allowing perpetrators to roam freely on the Reservation because the victim's protection order came from another or "foreign" jurisdiction, State, local and Tribal law enforcement officials are easily able to recognize the first page on these protection orders and enforce them immediately, without question.

Because our society is extremely mobile today, we need to ensure that people are safe no matter where they are or what jurisdiction it is. Creating communications that cross jurisdictional boundaries can improve public safety. Judges and Court staff may be able to design more lasting solutions when they are working together across State and Tribal lines, especially in Native/Non-Native cases.

What Are the Costs?

The 2009 Regional Meetings were conducted at no cost to meeting participants. The importance of not passing costs to the Tribal Courts surfaced a few years ago when Federal funding for Tribes was reduced, and Tribal judges were no longer able to attend the Consortium's regular meetings or other training or workshops. As a Supreme Court advisory committee, the Consortium has authority to set aside a portion of its budget to ensure that Tribal Judges are reimbursed for their travel expenses to attend Consortium meetings.

Even though the Regional Meetings were aimed at *local* participants, in a rural State like New Mexico, many people routinely drive more than 50,

100 or 200 miles to attend such functions. Offering free training increases Tribal participation, which is essential to achieving the basic objectives of enhanced communications and relationships among State and Tribal Courts.

The costs for the 2009 Regional Meeting series amounted to less than \$6,000. These costs covered the following:

- Expense of lunch meals and beverages for participants during the events;
- Fees and travel expenses for facilitators to assist with each session;
- Travel expenses for the Consortium's Co-Chairs, members and staff to assist in conducting the meetings; and
- Facility rental costs.

The total amount, however, does not account for the time contributed by the meeting hosts and Consortium Co-Chairs, staff time contributed by the New Mexico Administrative Office of the Courts (AOC) and American University, or travel by staff of American University to attend the Zia Regional Meeting. Nor do the total expenditures reflect the value of equipment, office supplies, postage, telephone, fax and other related expenses contributed by the AOC and American University.

A detailed spreadsheet showing expenditures is provided on the next page.

What Do the Pre-Meeting Surveys Show?

Pre-Meeting Survey Analysis: The Consortium asked each individual invited to attend the three Regional Meetings to submit a pre-meeting survey in order to help focus discussion at these meetings, as well as future events. Respondents were informed that their replies would remain confidential, but would be used to identify shared interests and issues of mutual concern in planning the meetings, as well as areas in which the Consortium might provide assistance at another time.

Twenty-seven surveys were received. Respondents identified themselves as Tribal and State Court Judges, State Court staff, Tribal and State/local

**NEW MEXICO TRIBAL-STATE JUDICIAL CONSORTIUM
2009 REGIONAL MEETINGS
COSTS**

	Zia Pueblo 7/17/09	Tesuque Pueblo 7/31/09	Gallup Cultural Center 8/21/09	TOTALS
Member/Staff Travel *	\$55.05	\$136.35	\$1,205.92	\$1,397.32
Location	0.00	200.00	150.00	350.00
Equipment/Supplies **	0.00	0.00	0.00	0.00
Meals ***	600.00	913.75	1152.37	2666.12
Speakers †	0.00	0.00	0.00	0.00
Facilitators ‡	427.50	500.00	650.00	1577.50
TOTALS	\$1,082.55	\$1,750.10	\$3,158.29	<u>\$5,990.94</u>

NOTES:

- * Member & Staff travel to Zia and Tesuque was for mileage only; expenses for the Gallup meeting included hotel, meals, plus mileage
- ** NM's AOC paid for supplies used at the 3 meetings
- *** Plan to limit lunch meal to 50 persons, plus beverages all day; Gallup's higher attendance was accommodated with the savings from the two prior Regional Meetings
- † Local speakers had no travel expenses
- ‡ This cost includes mileage from Albuquerque to Gallup for one facilitator

law enforcement, Tribal, State and Federal Probation and Parole, Tribal and State Social Workers/Advocates, State Prosecutors, and Attorneys.

Six questions were asked and extra space was provided for other comments, if the respondent chose to offer them. The questions and responses were as follows:

1. *What are the three most pressing issues you have encountered relating to Tribal-State Court relations in your region?*

The issues fell relatively evenly into two categories, with several other individual issues identified. Jurisdiction remained as one of the most significant issues among survey respondents, with nine indicating it was the most pressing issue in their area, particularly lack of enforcement of Court orders across jurisdictional boundaries. Project Passport generated nearly as much interest, with eight respondents noting that many Tribal Courts have not yet adopted the first page, that full faith and credit is still not being given to “foreign” orders, and sharing concerns about service of protection orders.

Lack of communications and delays were chief among the responses of six other individuals, including a lack of understanding of the culture and logistics and turnover in Tribal Courts. A variety of other issues were also identified, ranging from sex offender registration, to the Indian Child Welfare Act, and driver’s license revocation.

2. *Are there any special topics that you would like to have addressed at future events conducted by the Consortium?*

Generally, respondents focused on cross-jurisdictional issues, stating their concerns about full faith and credit, collaboration between State and Tribal Courts – for example, with “forum shopping” by spouses who are Native and non-Native – and cross-deputization of law enforcement officials to enhance enforcement. People also indicated some interest in divorce, domestic violence, custody, and other family law matters, as well as lesser interest in judicial ethics, licensing attorneys to appear in Tribal Court, and handling of property.

3. *Do you know of any specific speakers you might want to make presentations at Consortium meetings on issues of current interest?*

A diverse list of names and/or organizations was provided including locally known speakers, State officials, and professors at the University of New Mexico's law school.

4. *Would it be useful if the Consortium compiled samples of operational materials for use in your day-to-day work?*

Most replied yes, requesting samples in electronic format, with a couple requesting orders not modeled on State orders and agreements, but developed by Tribal attorneys.

5. *Have you encountered any difficulties relating to the enforcement of these [specific] types of orders?*

Three replied that domestic violence orders were difficult to enforce, while five said that custody orders were problematic. Six other types of orders were also identified as difficult including orders for mental health commitment, child support, restraining orders, exclusion, traffic and bench warrants. Additional comments focused on the lack of enforcement of orders, and the note that orders are not enforced "from one pueblo to the next or pueblo to state."

6. *How would you assess Tribal and State Court relationships in your area?*

The responses were as follows:

	EXCELLENT	GOOD	FAIR	POOR
Accessibility	1	8	7	6
Communication	1	5	11	6
Working together	1	5	8	8
Creating solutions	0	5	7	10

7. Please provide any additional comments or suggestions you may have.

Respondents focused their comments on jurisdiction and collaboration, Courts and Court personnel not recognizing each other's orders, and eliminating barriers for prosecution purposes.

A copy of the survey instrument and more complete analysis of the Pre-Meeting Surveys can be found in Appendix B.

What Are the Common Themes in the Meetings?

Two common themes could be detected from the speakers' presentations, findings and reports of the small group discussions, and individual comments. Put simply, they are:

- (1) Helping and educating each other and the community, and
- (2) Collaborating across jurisdictions, because domestic violence knows no boundaries.

Regarding the first theme, helping and educating each other and the community, Pueblo of Zia Governor Ivan Pino shared that taking a leadership position in his Pueblo was so different from his construction job that it had given him passion to help everyone in the community, from the smallest person to the oldest. He said we need to work to educate and support one another, especially focusing on our young people, because they are the future. In particular, he noted that meeting participants, by choosing their professions, indicated clearly that they want to help other people enhance their situations. He added that he was pleased that so many people had traveled to Zia to share their different perspectives on how to assist people in need.

We need to work to educate and support one another, especially focusing on our young people, because they are the future.

*Ivan Pino, Governor,
Pueblo of Tesuque*

At the Gallup Regional Meeting, Chief Justice Herb Yazzie of the Navajo Supreme Court said that involving everyone in the community to help the

Court make decisions can ultimately ensure more lasting solutions. "Restorative justice provides the best sense of justice," he added.

The Regional Meetings served to bring people together to learn about one small step that can be utilized to help decrease the number of violent crimes committed against Native American women. Lieutenant Everett Chackee, Bureau of Indian Affairs Law Enforcement Officer, in his remarks at the Zia Regional Meeting observed that domestic violence is a

A fact sheet prepared by the National Congress of American Indians reveals that "one out of three American Indian and Alaskan Native women are raped in their lifetime, compared with about one in five women in the overall national statistic."

National Congress of American Indians Fact Sheet

serious problem in Indian Country. A fact sheet prepared by the National Congress of American Indians reveals that "one out of three American Indian and Alaskan Native women are raped in their lifetime, compared with about one in five women in the overall national statistic." People should also know that Native Americans experience per capita rates of violence at more than twice the rate of the U.S. resident population, according to a Bureau of Justice Statistics profile, 1992-2002. More education on this

issue can help raise awareness within individual communities that they may be at risk of violence.

State Supreme Court Justice Patricio M. Serna noted on the day of the Tesuque Regional Meeting, the *Santa Fe New Mexican* newspaper had published an article stating that the rates of domestic violence in Santa Fe and the surrounding area (including Tesuque) were escalating. Judge Raymond Z. Ortiz, Tesuque meeting co-host and Family Court Judge at the First Judicial District Court, agreed, explaining that domestic violence is rising with the recession, that the economic situation makes domestic violence worse. Domestic violence affects more women than men, Judge Ortiz noted; roughly eighty percent (80%) are cases of violence against women, while twenty percent (20%) are against men. His Court's caseload has increased such that Judge Ortiz has about 12,000 cases on his docket, of which 3,000 are domestic violence cases. Since the onset

of the recession, more cases involve firearms, and he observed that social service agencies in the Santa Fe area are overwhelmed.

Kaydee M. Culbertson, Consortium State Co-Chair and Family Court Hearing Officer at the Second Judicial District Court, offered her opinion that we have been asking too much from our law enforcement officers. The standard first page can provide greater assistance by listing crucial identifiers regarding the restrained party, information vital for officers to make a quick determination of a person's identity, especially when people have a common name or counter petitions have been filed.

Echoing that concern, Gallup District Attorney Karl Gillson explained that police and sheriff's departments respond to calls in dangerous – sometimes fatal situations – kids are screaming, parents fighting, and with all the commotion going on, police officers cannot possibly read an order of protection. The first page format makes it easier to protect victims, and the officers can take quick action to end the dispute.

“Police and sheriff's departments respond to domestic violence calls in dangerous – sometimes fatal situations.”

Karl Gillson, District Attorney, Gallup

Training for law enforcement and others on the standard first page is easy, observed Captain Quintin McShan of the New Mexico State Police. It is only one page, not one of 50 different types of orders. He has been training fellow officers at the State Police on the State's uniform first page. Lieutenant Chackee said that keeping the form simple works best. The form provides crucial information to protect officers and in turn protect the community, said Tesuque Chief of Police Robert Frenier.

Small groups noted that it is much easier for law enforcement to determine the validity of the order and identify the protected party and the restrained party when victims have a standard first page on their protection order. They also found that training for officers at higher levels is critical to obtain their buy-in, and thus be able to provide more training for police officers in the field.

Training about the form's capabilities for law enforcement is essential to greater enforcement. But also crucial to its success is informing Tribal Councils and Tribal leadership about the initiative and how it can enhance

Tribal sovereignty. In some cases, the Tribal Courts may decide to adapt the first page for their own use, while in others Tribal leadership may need to make the decision.

Judge Ortiz said that Tribal leadership will want to know that using the standard first page will enhance Tribal sovereignty. A Tribal Court's order that includes the first page is more likely to be given full faith and credit – implementing VAWA – than one that does not. Orders will be enforced by law enforcement outside the issuing jurisdiction, and Tribal victims will be safer. Meeting participants acknowledged that it will be difficult to implement the common first page in Indian Country, because of political changes, turnover, and lack of awareness. However, it was determined that more communication about the project is needed with the Pueblos, particularly educating those without legal infrastructures.

In addition, concerns about educating Tribal leadership were discussed at the two Regional Meetings conducted at the Pueblos of Zia and Tesuque. Some Pueblos have Traditional Courts, while others have Contemporary Courts or both. Judge Robert F. Medina, presiding at Zia Tribal Court, explained some of the differences between the two kinds of courts to participants. The Traditional Courts are usually overseen by the Pueblo Governor and as Governors change every year consistency in decisions is lost. Often the Tribal Council will be used for appellate review. The key element in decision-making is often based on customs and traditions of the Pueblo. Contemporary Courts exist where the Tribes have codified their laws, while remaining mindful of local customs and traditions. Lawyers are often hired to serve as pro-tem judges. Contemporary Courts seem better equipped to handle the new issues the Tribes never dealt with in the past. Judge Medina noted that Tribal members benefit from having Codes, because people can see the law and know what is expected, and what consequences may be imposed.

For orders using the standard first page to be most effective, written laws and procedures should be in place at the Tribal Courts, ensuring that due process is afforded the defendant as required by Federal law. One small group at the Tesuque meeting noted that trying to adopt the form in a more traditional setting may mean convincing Tribal leadership about the worthiness of the concept.

Regarding the second theme, collaborating across jurisdictions, Chief Justice Herb Yazzie of the Navajo Supreme Court stated at the Gallup Regional Meeting that for many years, deliberate efforts had been made *not* to have relationships between the Tribes and States. He pointed out that leadership from the Consortium on building relationships has helped the Tribes recognize that such relationships are necessary now for the Courts to reach the best decision in each case.

Challenges to collaboration across Tribal and State boundaries, however, arise from a number of roots; and primary to the judicial system are the differences in laws and legal systems. Among many Native Americans living in New Mexico, the more traditional system of Tribal Court remains strong. For example, in some Pueblos, family disputes such as domestic violence are handled internally with peacemakers, reported one small group at the Zia Regional Meeting. This approach to governing and maintaining law and order is far from what many New Mexico residents understand to be the norm. Exposing people to differing cultures in neighboring communities by means of the Regional Meetings is critical to building and strengthening relationships and communications.

Regarding relationships, Consortium Tribal Co-Chair Roman Duran, Associate Judge of the Jicarilla Apache Tribal Court and Tesuque Regional Meeting co-host, described the approach used for the Regional Meetings as multi-disciplinary by intention, to help participants remove the blinders imposed by their own disciplines and take a different perspective. He stressed that the entire criminal justice system, along with advocates and service providers, need to work together to help both victims and offenders.

Several State Judges and judicial officers admitted that prior to the adoption by the Supreme Court of New Mexico of the uniform first page last fall, they personally had difficulty sorting through the different forms of protection orders used in State Courts. For example, expiration dates fell on different pages; and orders were often presented in different formats. For workers outside the Courts, it had to be even more difficult. The uniform first page has helped to address that problem.

Consortium member Angela Jewell, Family Court Judge at the Second Judicial District Court, painted a harsh picture of a police officer arriving at a "horrific scene, flipping through the pages of a protection order, lots

of kids running around, and one parent says keep me safe, while the other says I didn't do anything." Law enforcement is concerned, she said, about being sued for wrongful arrest on the one hand, or on the other, being sued for failure to protect. The standard first page helps officers avoid "second guessing," making it easier for them to know what to do.

Judge Jewell also related the story of a female employee at a Tribal gaming facility who was harassed by a non-Native. When she left the Reservation, he stalked her; and even though she had a Tribal protection order, it was not enforced off the Reservation; she was murdered.

Judge Jewell added that she has heard Tribal Judges say that they are tired of issuing "impotent" orders of protection. They seek recognition of their orders, because it offers the strongest sense of safety for their members.

"The standard first page helps law enforcement officers avoid "second guessing" on enforcing protection orders, making it easier for them to know what to do."

Angela Jewell, District Court Judge, Albuquerque

A fact sheet published by the National Coalition Against Domestic Violence states that "seventy percent (70%) of American Indians who are the victims of violent crimes are victimized by a non-Native individual." According to Federal law, however, Tribal Courts have no criminal jurisdiction over non-Natives; and this fact complicates the issue regarding the civil enforcement of the order of protection against a non-Native where the remedy is a civil arrest for contempt of court. The cross jurisdictional issues cannot be ignored. Enforcement of orders of protection is crucial in halting these violent episodes.

"Law enforcement gives the Judge's work meaning," observed Rosemary Cosgrove-Aguilar, Domestic Violence Commissioner in the Second Judicial District Court. Without enforcement, Court orders are meaningless. It is essential, she added, that law enforcement understand the uniform first page and be able to enforce it in all jurisdictions.

Representing the New Mexico State Police at all three Regional Meetings, Captain Quintin McShan said he recognized old friends at each meeting, someone at nearly every table, but took the opportunity to make new

contacts. He stressed the importance of knowing someone who can be contacted, someone who will provide assistance when you need help. The Regional Meetings help to cultivate these kinds of relationships.

Gallup Regional Meeting co-hosts, Judges Irene Toledo, Navajo Judicial Branch–Crownpoint District, and Henrietta S. Soland, McKinley County Magistrate Court, shared that same point of view. Judge Toledo told meeting participants they need to develop good personal relationships with their counterparts, so they can resolve problems more effectively. Judge Soland emphasized that collaborating and sharing information and ideas work well in creating solutions. She urged participants to take advantage of the contact lists circulated after each Regional Meeting to stay in touch with their new acquaintances and strengthen these relationships.

One service provider attending at the Tesuque meeting offered his appreciation for the event, noting that the small group discussions permitted him to identify the “humanness” of the participants. He further stated that “they are all persons, not positions. We bonded today.”

Agendas for each of the Regional Meetings can be found in Appendix C. More comments from the individual meetings are provided in the following sections.

Zia Regional Meeting – July 17, 2009

The first of the three 2009 Regional Meetings was conducted at the Pueblo of Zia in the Tribal Council Room, 37 miles northwest of the city of Albuquerque and a short drive from one of the State’s major highways. The Governor of Zia, Ivan Pino, has recently been promoting his Pueblo as a destination location, and he and Tribal members welcomed participants personally to the meeting. Meeting hosts were the Honorable Robert F. Medina, Judge, Pueblo of Zia Tribal Court, and the Honorable Angela J. Jewell, Judge in the Family Court Division of the Second Judicial District in Albuquerque.

At this location, the Consortium had targeted the Southern Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Sandia, San Felipe, Santa Ana, Santo Domingo and Zia, as well as the Mescalero Apache Nation in southern New Mexico. In fact, a large contingent came from Sandia

Pueblo, just a few miles from Zia. This group included the Lieutenant Governor who serves as Tribal Court Judge, three Tribal Councilmen, two police officers, and the Court Administrator. Since Sandia is a very conservative or traditional Pueblo, the Consortium was pleased at the level of interest by its members in this event. Also invited were State Court of Appeals Judges located in Albuquerque, State District and Magistrate Courts in Bernalillo, Valencia, Cibola, and Sandoval Counties, and local courts and law enforcement in the larger cities in those areas.

Forty-four participants attended the event and heard the remarks of Judge Medina, Judge Jewell, Caroline Cooper, Research Professor and Associate Director of the BJA Criminal Courts Technical Assistance Project in the School of Public Affairs at American University, Domestic Violence Commissioner Rosemary Cosgrove-Aguilar with the Second Judicial District Court, Captain Quintin McShan, New Mexico State Police, Frank Casaus, Domestic Violence Coordinator for the New Mexico State Police Training Division, Chief Justice William Johnson, Isleta Appellate Court, Lieutenant Everett Chackee, Bureau of Indian Affairs (BIA) Law Enforcement. Other comments were offered by Joe Little, Associate Director, BIA-OJS Division of Office of Tribal Support, and Vincent Knight, Executive Director of the National Tribal Justice Resource Center.

The small groups focused on the assigned questions for the morning and afternoon, primarily focusing their attention on training and education, the issue of traditional versus contemporary courts, and the National Crime Information Center (NCIC) database. In addition to some of the comments provided in the Common Themes section in this report, other comments of interest are set forth below.

Judge Jewell laid out the four principal objectives of the recognizable first page as:

1. standardized format – looks familiar
2. location of information on the first page
3. critical elements to identify the facial validity of the order
4. easily readable format

Commissioner Cosgrove-Aguilar clarified VAWA's requirements regarding possession of a firearm when the restrained party has an order of protection against him or her. She noted that the checkbox on the

uniform first page allows law enforcement quickly to identify whether the person is particularly dangerous. Also, she distributed two handouts about the Federal law, the first, "Full Faith and Credit Primer" providing

"The checkbox on the uniform first page allows law enforcement quickly to identify whether the person is particularly dangerous and has a weapon."

*Rosemary Cosgrove-Aguilar,
District Court Commissioner,
Albuquerque*

basic information about enforcing the Act's requirements, and second, "Protecting Victims of Domestic Violence, A Law Enforcement Officer's Guide to Enforcing Orders of Protection Nationwide," produced through a DOJ grant for the International Association of Police Chiefs.

Officer Frank Casaus, New Mexico State Police, said he trains officers to enforce orders, including Tribal

Court orders, adding that he does not want the courts to do law enforcement's job. One participant noted that extradition and the cost to transport defendants across jurisdictions is a challenge in some areas. Another suggested that a central repository of protection orders would be helpful.

Justice Johnson raised some questions about information entered or not entered into the National Crime Information Center's (NCIC) database and offered to meet separately with the Tribal Judges in his area to discuss issues relating to the new first page form. Joe Little, BIA-OJS Division of Tribal Justice Support, shared concerns about the data in NCIC, but added that BIA wants to know about any domestic violence issues when they conduct background checks. Another participant raised the issue of whether data entered into NCIC is accurate, and lamented that the database is not uniformly available.

Reports from the small groups raised challenges to implementing the form, including the traditional versus contemporary court approach used by some Pueblos, the lack of Tribal codes and laws in the more traditional settings, and the turnover and yearly training required for new Judges. One participant noted that some Pueblos do not have their own police force. His group suggested that perhaps the first page could be changed to adhere to traditional Tribal law to preserve family protection, but wondered how much more information could be added to the page.

Tesuque Regional Meeting – July 31, 2009

Ten miles north of Santa Fe, the State's capital, lies the Pueblo of Tesuque. This convenient location was determined to be central for scheduling the second Regional Meeting, because of its proximity to the eight Northern Indian Pueblos whose members reside in this region. The targeted groups were the Pueblos of Nambé, Ohkay Owingeh (formerly San Juan), Picuris, Pojoaque, San Ildefonso, Santa Clara, Tesuque, Taos, and the Jicarilla Apache Nation. Also invited were the members of the New Mexico Supreme Court and Court of Appeals, as well as State District and Magistrate Courts in Santa Fe, Los Alamos, Rio Arriba, Taos Counties, and local courts and law enforcement in the larger cities in those counties.

The Tesuque Regional Meeting was hosted by the Honorable Roman J. Duran, Consortium Tribal Co-Chair, Associate Judge of the Jicarilla Apache Tribal Court, and enrolled member of the Pueblo of Tesuque, and the Honorable Raymond Z. Ortiz, Family Court Judge, First Judicial District Court in Santa Fe, New Mexico. Speakers for the event included the Honorable Mark Mitchell, Governor of the Pueblo of Tesuque, the Honorable Larry Samuel, Lieutenant Governor, Pueblo of Tesuque, the Honorable Angela Delorme Gaines, Judge, Tesuque Tribal Court, the Honorable Patricio M. Serna, Justice, New Mexico Supreme Court, the Honorable H. Paul Tsosie, Chief Judge, Santa Clara Tribal Court, Consortium Co-Chair Kaydee M. Culbertson, Family Court Hearing Officer, Second Judicial District in Albuquerque, Angela Pacheco, District Attorney, Santa Fe, Captain Quintin McShan, New Mexico State Police, Chief of Police Robert Frenier, Pueblo of Tesuque, and Chief Michael Perez, BIA Law Enforcement Northern Pueblos Agency.

Thirty-three people attended the Tesuque meeting. In his presentation, Judge Ortiz referred to a United States map created by the National Center for State Courts and showing the States and Tribes that had adopted the standard first page, adding that New Mexico is moving very rapidly on the initiative, for which he is grateful. He also distributed a copy of the State's first page form, included in the handout section of this report.

Consortium Tribal Co-Chair Duran introduced Judge Angela Delorme Gaines, recently appointed as Tesuque Tribal Judge. She shared her

opinion that that people should not be able to escape when they commit a crime. In addition to the statements provided in the Common Themes section of this report, the presenters offered the following comments: District Attorney Pacheco told of her personal fears when she first took office and learned about the death of a police officer due to a domestic disturbance. Judge Tsosie said he had been using his own first page form on orders of protection for four years, but last spring adapted it to look like the State's form. Judge Marti Rodriguez of Nambé Pueblo Tribal Court interjected that she had recently adopted the standard first page for her Court to use. Chief Robert Frenier said a lack of information is the greatest issue of concern at Tesuque; will his officers be safe? He added that he sees the development of partnerships as one of the keys to public safety.

Small groups raised issues similar to those at the Zia Regional Meeting relative to the Tribal traditional and contemporary courts, stating that the first page may be difficult to implement in traditional Pueblos, because it is not clear whether they allow testimony or evidence, whether hearings are conducted, or whether pleadings are allowed. This process could mean that a first page implemented by that Pueblo may not hold up in State or Federal Court, since the Federal law requires due process.

The law enforcement group was glad to know they would not have to expend additional resources to determine whether the Court order is valid, but can easily make the determination from the face of the standard first page. Another group found that using the first page would make it easier to prosecute violations of protection orders. This group also noted that the first page fosters access to justice because of the statewide recognition of orders using the first page. One group said the form keeps the focus on children and families, where it belongs.

Finally, the issue of competing State and Tribal Court orders was raised, where parties attempt to obtain the best resolution for themselves in

When responding to domestic violence calls, the lack of information about the situation is the greatest concern for police officers – will they be safe? Partnerships serve as a key to public safety.

Robert Frenier, Chief of Police, Pueblo of Tesuque

different Courts. Dual filings often cause both Court systems to expend resources. Communications between the Courts can help sort through the issues that should be resolved in one or the other Court.

Gallup Regional Meeting – August 21, 2009

The third and final Regional Meeting in 2009 was conducted at the Gallup Cultural Center in Gallup, New Mexico, located about 140 miles west of Albuquerque, not too far from the State's western border with Arizona. This location was selected because of its proximity to the Navajo Reservation, in addition to the Pueblo of Zuni. Gallup is a hub of trading activity for this part of the State, and the Gallup Cultural Center, although formerly the local train depot, now serves as a gallery showcasing Native American and particularly Navajo art. The setting presented a slight obstacle for conducting the meeting in that approximately three trains pass – but do not stop – each hour. Although presentations and conversations could continue when trains passed, when the whistle blew (only three times all day!) everything came to a standstill for a few seconds.

As mentioned above, invitations for this meeting were targeted to the Navajo Nation and its outlying branches at Ramah, To'hajiilee, and Alamo, the Pueblo of Zuni, and the State District and Magistrate Courts in McKinley and San Juan Counties. Law enforcement, prosecutors, advocates and others from those areas were also invited. Sixty-six individuals attended the meeting.

Meeting hosts were the Honorable Irene Toledo, Judge at the Crownpoint District Court, Navajo Judicial Branch, and the Honorable Henrietta S. Soland, Judge at the McKinley County Magistrate Court in Gallup. Speakers included the Honorable Herb Yazzie, Chief Justice of the Navajo Supreme Court, the Honorable Eleanor Shirley, Associate Justice, Navajo Supreme Court, the Consortium's two Co-Chairs Kaydee M. Culbertson and Roman J. Duran, Karl Gillson, District Attorney in Gallup, Captain Quintin McShan, New Mexico State Police, Captain Bob Ettsity, Navajo Police Department at Ramah, Fran Palochak, Deputy Court Executive Officer, Eleventh Judicial District Court, and Patrick Dooley, Staff Attorney, Navajo Judicial Branch with the Crownpoint District.

Chief Justice Yazzie set the stage for the presentations and discussions at Gallup from a historical perspective, stating that relationships between the Indian Nations and the United States government had been discouraged for many years, but now they are needed because people cross jurisdiction borders routinely every day to conduct business. He asked that the professions represented at the Gallup meeting begin to work together toward the goal of restorative justice for all in their communities.

Reflecting on the diverse group of participants, State Co-Chair Culbertson said that in domestic violence cases, law enforcement must be able to identify the protected party, whether a weapon is involved, and the expiration date of the order. On previous State Court orders of protection, this information was either not available or buried deeply within the document. Thus, it is easy to understand why police and sheriff's officers questioned the validity of the old form.

Law enforcement must be able to identify the protected party, whether a weapon is involved, and the expiration date of the order.

Kaydee Culbertson, State Co-Chair, Tribal-State Judicial Consortium

Attorney Patrick Dooley described the ongoing process at the Navajo Judicial Branch to develop the standard first page for use by the Navajo Courts. He is adapting some of the language to reflect Navajo laws and codes, but hopes to maintain the format, to ensure recognizability. With the Navajo Reservation spread across three States – New Mexico, Arizona, and Utah – it is important to have orders enforced everywhere.

Karl Gillson, McKinley County District Attorney, said these types of disputes are excruciatingly sensitive, and suggested that continuous training on the new form may be needed for police officers and prosecutors to enhance enforcement. He also noted that the McKinley County Sheriff's Department is cooperating with the Navajo Nation, respecting its laws and customs, by having Navajo peacemakers on staff to help Navajo defendants in these kinds of cases.

Regarding the confusing jurisdictional issues in the Gallup region, State Police Captain McShan noted that law enforcement needs to be able to enforce orders of protection across all boundaries. Captain Bob Ettsity

said that he's been working with the jurisdictions neighboring Ramah, New Mexico, to provide the best assistance for victims.

Deputy Court Executive Officer Fran Palochak, Eleventh Judicial District, said her career goal at the Court has been to ensure access to justice for anyone that comes to Court. Some time back, she had developed something similar to the uniform first page for Judges in the Eleventh District to use, adding that the Court is now using the State's uniform first page. She said she took pleasure in knowing that so many people of different jurisdictions were interested in learning more and helping to promote this initiative, adding that everyone shares a common concern for domestic violence victims, that is, providing safety.

State and Tribal Judges share concerns about training on cross-jurisdictional issues, to ensure that Courts and law enforcement are on the same page together.

*Judges' Small Group, Gallup
Regional Meeting*

The small groups at Gallup seemed to correspond to most of the discussions and findings from the Zia and Tesuque group discussions. The Judges worried about educating and training on multi-jurisdictional issues, ensuring that the Courts, law enforcement, and others are "on the same page together." They also raised concerns about internal bureaucracies

preventing change, and the risk of tampering or altering orders.

Law enforcement officials believed that entering orders of protection into the National Crime Information Center (NCIC) was vital. They also indicated that they feel more challenged by jurisdictional issues when children and property are involved. Attorneys attending the meeting noted that service of process can be an issue, while Court staff stated their biggest concerns are the resistance to change by both State and Tribal Courts, and a lack of understanding about the objective of the first page and full faith and credit by everyone involved in the process.

Solutions revolved around additional education and training on the issues, and reinforced the need to be able to contact colleagues in other jurisdictions to help resolve the problem. Tribal Co-Chair Duran also suggested that "we as parents, grandparents, aunts, and uncles need to start early with educating our children that domestic violence is not an

acceptable form of behavior and shows no respect for females, mothers, aunts, sisters, or society as a whole.” He called upon the group to be proactive in their respective communities to effect change to improve our society.

What do the Meeting Evaluations Reveal?

At the conclusion of each Regional Meeting, participants were asked to complete an evaluation to share their feedback regarding the day’s event. The survey asked respondents to rank the meeting on a scale of one to five in the following four areas:

1. Learning about ways their agency can improve cross-jurisdictional issues and enforcement of court orders;
2. Strengthening Tribal-State relationships and fostering communications with colleagues;
3. Whether the meeting was well planned and coordinated and valuable to the person’s work; and
4. Interest in attending another event of this kind.

One hundred and one (101) individuals provided their responses on the evaluation forms. The Zia meeting received higher marks overall than the Tesuque and Gallup meetings. At Zia, respondents generally ranked three of the four questions at the highest level, while at Tesuque and Gallup, three of the four were ranked at the next highest level.

Additional comments offered encouragement to the Consortium to continue to conduct these kinds of conferences, particularly with small groups where people get to know one another through discussion of a common concern. Suggestions were offered relating to other persons who should be invited to future meetings, as well as topics to be addressed, such as presentations on jurisdictional issues, other domestic violence topics like stalking and the abuse of texting, child welfare and the Indian Child Welfare Act (ICWA), and an update on the sex offender registration under the Adam Walsh Act.

At the Gallup Regional Meeting, the unexpectedly large size of the audience resulted in some difficulty with the layout of the room and underlying noise from passing trains. A few respondents commented on

the need to locate the meeting in a larger facility away from the trains. Nevertheless, most people indicated their strong desire to participate in other events in the future.

More details on the findings in the evaluations from each meeting and the evaluation instrument can be found in Appendix D.

Accomplishments and Next Steps

The Tribal-State Judicial Consortium was extremely pleased to have the opportunity to refine the Regional Meeting concept this year, and thanks the Bureau of Justice Assistance and American University for their continuing support in these efforts. The 2009 Regional Meetings achieved what they proposed to do. Many Tribal and State Courts, law enforcement and others were introduced to the Consortium as a resource for sharing information and ideas. They met their colleagues and others who conduct business in the local area. They exchanged contact information until their business cards were exhausted, and then turned to the Consortium for lists of participants in order to remain in

Meeting participants were enthusiastic about how the standard first page would improve Tribal-State relations.

communication with other attendees. They learned about the Consortium's initiative, the standard first page on orders of protection, and were enthusiastic about how it would improve Tribal-State relations, as well as enhance protection of victims of domestic

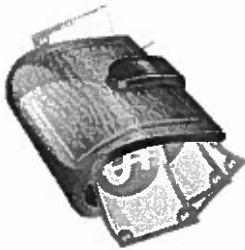
violence and ensure the safety of enforcing officers.

Judge Jewell, co-host at the Zia Regional Meeting, urged participants to take the information they gained at the event and share with others in their own communities. She also asked them to invite their colleagues and friends to Consortium meetings to learn more about the first page issue, and to meet others who are interested in related issues.

Tesuque meeting co-host Judge Ortiz noted that this year's discussions were broader, more sophisticated or elevated, adding that many participants said they were satisfied with the multi-discipline and small

group approach to the event's organization. In closing, he stated that domestic violence knows no boundaries, and orders of protection need to be enforced – no matter where the victim is – to stop the violence.

Building from his colleague's statement, Consortium Tribal Co-Chair Duran offered the example of a dollar bill, asking meeting participants what the currency has in common with domestic violence. Although a few people tried to respond, he finally explained that "the dollar knows no jurisdiction, it is used everywhere. It is recognizable by all races and ethnicities. But it is the same with domestic violence: it travels from state to state; it is non-discriminating. It is as pervasive as the dollar bill." Judge Duran's vision is that the standard first page will be as recognizable as the dollar bill, in all jurisdictions, to protect victims.



Like the dollar bill, domestic violence knows no jurisdiction; it can happen anywhere. The standard first page can help protect victims in all jurisdictions.

Roman Duran, Judge, Jicarilla Apache Nation Tribal Court

Participants at the three Regional Meetings took advantage of the chance to learn about providing more protection for victims of domestic violence through enforcing orders of protection on or off the Reservation, and asked for continuing education on the issue, especially for Tribal leadership, to increase the use of the first page form. The Consortium learned that participants appreciated the multi-disciplinary approach of the meetings, and used this event to build or strengthen their relationships and communications across jurisdictional borders. People also requested that the Consortium continue to offer these types of forums to maintain their contacts. The Consortium is confident that this approach is adding value to decisions made by Tribal and State Courts, and hopes to be able to offer more such opportunities in the future.